

April 26, 2000

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2394**  
Proposed Ordinance No. **2000-0217**

**MADONA PETITT**  
Petition For Road Vacation

Road: A portion of John Petrovitsky Road, within the proposed plat of Emerald Vista, lying south of Southeast 176<sup>th</sup> Street, between 128<sup>th</sup> Avenue Southeast and 129<sup>th</sup> Avenue Southeast

Petitioner: Madona Petitt  
12905 SE Petrovitsky Road  
Renton, WA 98058

King County: Department of Transportation, Road Services Division,  
*represented by* **Tommy Burdette**  
201 South Jackson Street  
Seattle, WA 98104  
Telephone: (206) 296-3731 Facsimile: (206) 296-0567

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Grant the petition as modified
Department's Final:	Grant the petition as modified
Examiner:	Grant the petition as modified

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2394 was received by the Examiner on March 24, 2000.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2394 was opened by the Examiner at 9:40 a.m., April 14, 2000, in the Fifth Floor Conference Room of the Union Bank of California Building, 900 Fourth Avenue, Seattle, WA 98164, and closed at 9:48 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

Petition for vacation of right-of-way in conjunction with preliminary plat is approved.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

## 1. General Information:

Petitioner:	Madona Petitt 12905 SE Petrovitsky Road Renton, WA 98058
Road name and location:	A portion of Southeast Petrovitsky Road lying south of Southeast 176 <sup>th</sup> Street, between 128 <sup>th</sup> Avenue Southeast and 129 <sup>th</sup> Avenue Southeast.
Zone:	R-6
Right of way classification:	C
Area:	14,910 square feet
Computed Compensation:	\$3,727.50

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation Road Services Division report to the King County Hearing Examiner for the April 14, 2000, public hearing and the statement of facts contained in Proposed Ordinance No. 2000-0217. The said report and ordinance will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. The amount of compensation for the area to be vacated was initially computed by the Road

Services Division as \$4,590, based upon 18,360 square feet. The square footage was recalculated

to 14,910 square feet when it was determined that the west 114 feet of the proposed vacation area should be retained as public right-of-way. The compensation for the remaining 14,910 square feet as Class C right-of-way would be \$3,727.50. However, a greater area is being dedicated by the Petitioner as substitute right-of-way in conjunction with the plat of Emerald Vista, which was granted preliminary approval on March 1, 2000. See Land Use Services Division File No. L98P0006. Therefore, the Road Services Division recommends that compensation for the area to be vacated be waived.

#### CONCLUSIONS:

1. Upon the dedication to King County of substitute right-of-way within the plat of Emerald Vista, the road subject to this petition, except for the west 114 feet thereof, will become useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation Road Services Division was given as required by law, and a hearing on Proposed Ordinance No. 2000-0217 was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The King County code allows for the acceptance of real property of equal or greater value in lieu of cash compensation for the vacation of road right-of-way. The dedication of alternative right-of-way by the Petitioner in this case meets the requirements of KCC 14.40.020 for the waiver of compensation, except for \$200 administrative costs required for processing the vacation of a County road.

#### RECOMMENDATION:

APPROVE Proposed Substitute Ordinance No. 2000-0217, vacating a portion of John Petrovitsky Road as described in Exhibit A, attached hereto, and waiving compensation for said right-of-way. The ordinance approving this vacation should become effective only upon the dedication of alternative right-of-way pursuant to the recording of the final plat of Emerald Vista, Department of Development and Environmental Services File No. L98P0006.

RECOMMENDED this 26<sup>th</sup> day of April, 2000.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 26<sup>th</sup> day of April, 2000, to the following parties and interested persons:

Steve Botts  
Puget Sound Energy/Real Estate Dept  
P.O. Box 97034/MS - OBC 11N  
Bellevue WA 98009-9734

Albert Huber  
12727 SE 176th  
Renton WA 98058

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MS KSC-TR-0231

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Kristen Langley  
KC Transportation Department  
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MS KSC-TR-0222

Roderick E. Matsuno  
KC Dept. of Transportation  
Road Maintenance Section  
MS RSD-TR-0100

Ronald J. Paananen  
KCDOT Road Svcs Div  
County Road Engineer  
MS KSC-TR-0231

Dave Preugschat  
KC Property Services Division  
MS ADM-CF-0500

Lydia Reynolds  
King County Dept Transportation  
Manager/Project Support  
MS KSC-TR-0231

Faith Roland  
METRO Environ Planning  
Real Estate  
MS KSC-NR-0600

Charlie Sundberg  
Office of Cultural Resources  
Landmarks & Heritage Program  
MS-STR-CR-0200

James Weaver  
DDES/LUSD  
Current Use Planning  
MS-OAK-DE-0100

Joe Wilson  
KC Parks & Cultural Resources  
MS-LBP-PR-0100

**NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before May 10, 2000. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before May 17, 2000. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to

meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

**MINUTES OF THE APRIL 14, 2000 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2394 – MADONA PETIT:**

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Tommy Burdette. There was no Applicant representative present. Other participants in this hearing were Jake Huber and Albert Huber.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 KCDOT Road Services Division staff report to the Hearing Examiner, dated April 14, 2000, with 22 numbered attachments.
- Exhibit No. 2 Letter to Paul Toliver from Anne Noris, dated December 15, 1998
- Exhibit No. 3 Group Four, Inc. letter of transmittal to Clerk of the Council, dated December 12, 1998
- Exhibit No. 4 Letter to Clerk of the Council from John Mirante of Group Four, Inc., dated December 10, 1998
- Exhibit No. 5 Petition for Road Vacation, dated October 22, 1998
- Exhibit No. 6 King County Council receipt #00128, dated December 14, 1998
- Exhibit No. 7 Legal Description for Vacation of John Petrovitsky Rd. No. 1089
- Exhibit No. 8 Detail map
- Exhibit No. 9 Detail map showing proposed vacation area
- Exhibit No. 10 Quit Claim Deed, dated May 13, 1916
- Exhibit No. 11 Letter to Madona Petit from Dennis Gorley, KCDOT Road Services, dated March 16, 1999
- Exhibit No. 12 Letter to John Mirante from Dennis Gorley, KCDOT Road Services, dated March 16, 1999
- Exhibit No. 13 Letter to Rich Hudson, DDES, from Dennis Gorley, KCDOT Road Services, dated April 9, 1999
- Exhibit No. 14 Billing statement from King County showing total vacation area and total amount due
- Exhibit No. 15 Letter to Clerk of the Council from Ronald J. Paananen & Paul Toliver, KCDOT, dated January 28, 2000
- Exhibit No. 16 Letter to Madona Petit from Ronald J. Paananen, dated February 15, 2000
- Exhibit No. 17 Revised billing statement from King County, dated February 15, 2000
- Exhibit No. 18 Letter to Pete von Reichbauer from Ron Sims, dated March 8, 2000, with attached ordinance
- Exhibit No. 19 Ordinance No. 1089, dated March 13, 2000
- Exhibit No. 20 Notice of Hearing with attached detail map
- Exhibit No. 21 Affidavit of Posting, dated March 22, 2000
- Exhibit No. 22 Affidavit of Publication, dated April 3, 2000
- Exhibit No. 23 Letter to John Mirante from Tommy Burdette, KCDOT Road Services, dated March 23, 2000
- Exhibit No. 24 Letter to Madona Petit from Tommy Burdette, KCDOT Road Services, dated March 23

Attachments 1, 2 and Exhibit "A"  
Vacations\V-2394 RPT

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR RIGHT-OF-WAY VACATION**

That portion of John Petrovitsky Road (No. 1089) as conveyed by Deed recorded in Volume 901 of Deeds, Page 175, records of King County, Washington for public use over the North 30 feet of the North half of the Northeast quarter of the Northeast quarter of Section 33, Township 23 North, Range 5 East, W.M., in King County, Washington

EXCEPT the East 715 feet thereof.

ALSO EXCEPTING that portion lying within Southeast 176<sup>th</sup> Place and 128<sup>th</sup> Avenue Southeast as dedicated in the plat of Emerald Vista, designated King County Department of Development and Environmental Services, Land Use Services Division File No. L98P0006.

Containing an area of 14,910 square feet more or less.